

## UNITED STATES DISTRICT COURT

for the

District of New Mexico 

CARMELITA M. DESIDERIO, as  
 Personal Representative of the Estate of  
 PHILLIP R. CURLEY, deceased

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*Plaintiff(s)*

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UNITED STATES OF AMERICA,  
 JANELLE D. JONES, M.D., and  
 JOY G. HARRISON, M.D.,

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*Defendant(s)*

)

Civil Action No. 1:23-cv-00057-SCY-KRS

## SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* THE UNITED STATES OF AMERICA  
 c/o Honorable Merrick B. Garland  
 Attorney General of the United States  
 Department of Justice  
 950 Pennsylvania Avenue, NW  
 Washington, DC 20530-0001

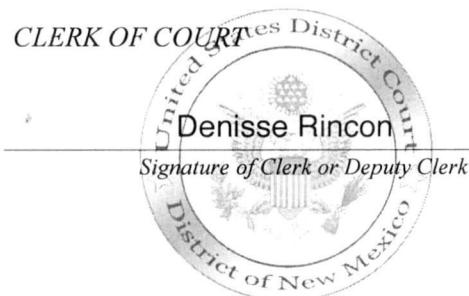
A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Brewster S. Rawls  
 David A. Tierney  
 Rawls Law Group  
 211 Rocketts Way, Suite 100  
 Richmond, Virginia

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: Thursday, February 09, 2023



Civil Action No. 1:23-cv-00057-SCY-KRS

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*This summons for *(name of individual and title, if any)* \_\_\_\_\_was received by me on *(date)* \_\_\_\_\_. I personally served the summons on the individual at *(place)* \_\_\_\_\_on *(date)* \_\_\_\_\_; or I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_

, a person of suitable age and discretion who resides there,

on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or I served the summons on *(name of individual)* \_\_\_\_\_, who isdesignated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_on *(date)* \_\_\_\_\_; or I returned the summons unexecuted because \_\_\_\_\_; or Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

*Server's signature**Printed name and title**Server's address*

Additional information regarding attempted service, etc:

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

CARMELITA M. DESIDERIO, as  
Personal Representative of the Estate of  
PHILLIP R. CURLEY, deceased

Plaintiff,

V.

No. 1:23-cv-00057-SCY-KRS

UNITED STATES OF AMERICA,  
JANELLE D. JONES, M.D., and  
JOY G. HARRISON, M.D.,

## Defendants.

**AFFIDAVIT OF SERVICE ON THE HONORABLE MERRICK B. GARLAND,**  
**ATTORNEY GENERAL OF THE UNITED STATES OF AMERICA**  
**ON BEHALF OF THE UNITED STATES OF AMERICA**

STATE OF NEW MEXICO )  
 ) ss.  
COUNTY OF MCKINLEY )

I, Sarah Benally, upon oath depose and state:

1. I am resident of the State of New Mexico and over eighteen (18) years of age.
2. I served a Complaint to Recover Damages for the Wrongful Death Resulting from Medical Negligence Arising Under The Federal Tort Claims Act, Summons, and Notice of Judge Assignment, via pre-paid postage, certified mail, return receipt requested, on the Honorable Merrick B. Garland, Attorney General of the United States of America on behalf of the United States of America in Washington, D.C. on February 16, 2023 [See Return Receipt attached hereto].

Sarah Benally  
Sarah Benally, Affiant

SUBSCRIBED AND SWORN to before me this 22 day of February, 2023 by  
SARAH BENALLY.

  
\_\_\_\_\_  
Notary Public

My Commission Expires:

9/17/2026

**State of New Mexico  
Notary Public  
Christina R Martinez  
Commission Number 1123241  
Expiration Date 9/17/ 2026**

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Total Postage & Fees	\$

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Sept To  
Honorable Merrick B. Garland, AG of USDOJ  
Street & Apt. No.,  
or PO Box No. 950 Pennsylvania Ave., NW  
City, State, ZIP+4  
Washington, DC 20530-0001

PS Form 3800, July 2014

See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
**Honorable Merrick B. Garland  
Attorney General of the United States  
Department of Justice  
950 Pennsylvania Ave., NW  
Washington, DC 20530-0001**

9590 9402 4590 8278 3279 22

2. Article Number (Transfer from service label)  
7014 3490 0001 7561 8828

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
**X**

B. Received by (Printed Name)  
**Elly Seal**

C. Date of Delivery  
**FEB 16 2023**

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type

Adult Signature  
 Adult Signature Restricted Delivery  
 Certified Mail®  
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 Collect on Delivery Restricted Delivery  
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 Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt